UNITED STATES DISCTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Paul Anthony SALAZAR
AKA: Thomas Michael O'Shea
AKA: John S. Hardin

Defendant.

'08 MJ 1434
Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)
Bringing in Illegal Alien(s)
Without Presentation

Title 18, U.S.C., Section 1544
Misuse of Passport

The undersigned complainant being duly sworn states:

Count I

On or about **May 6, 2008**, within the Southern District of California, defendant **Paul Anthony SALAZAR**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Karin HUGO-Bueno, Antonio ORTIZ-Arcienaga and Ricardo REYES-Hernandez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **May 6, 2008**, within the Southern District of California, defendant **Paul Anthony SALAZAR AKA: Thomas Michael O'Shea**, did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. Passport number 215661676, issued to Thomas Michael O'Shea, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Thomas Michael O'Shea, and that the passport was not issued or designed for his use. All in violation of Title 18, United States Code, Section 1544.

Count III

On or about **April 29, 2008**, within the Southern District of California, defendant **Paul Anthony SALAZAR AKA: John S. Hardin**, did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. Passport number 159306675, issued to John S. Hardin, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not John S. Hardin, and that the passport was not issued or designed for his use. All in violation of Title 18, United States Code, Section 1544.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF **MAY, 2008**.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Karin HUGO-Bueno, Antonio ORTIZ-Arcienaga, and Ricardo REYES-Hernandez** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 6, 2008 at approximately 5:17 AM, **Paul Anthony SALAZAR AKA: Thomas Michael O'SHEA (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a 1998 Chevrolet Astrovan. Defendant presented a United States Passport bearing the name Thomas Michael O'Shea as his to a U.S. Customs and Border Protection (CBP) Officer. The passport presented by Defendant was altered with the Defendant's photo in place of the photo of the lawful owner. Defendant stated to the CBP Officer he was not bringing anything from Mexico. The CBP Officer conducted a visual inspection of the interior of the vehicle and discovered human beings concealed inside the cargo area covered by two black pieces of cloth. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, CBP Officers removed five human beings concealed in the cargo area of the vehicle. The concealed persons were determined to be citizens of Mexico without entitlements to enter the United States. Three individuals were retained as a Material Witnesses and are now identified as: **Karin HUGO-Bueno (MW1), Antonio ORTIZ-Arcienaga (MW2), and Ricardo REYES-Hernandez (MW3).**

During a video recorded interview, Defendant was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant stated he was hired to drive vehicles across the border into the United States. Defendant stated if successful in crossing vehicles into the United States, the people with whom he made arrangements would pay him $1,000.00 USD for each vehicle he crossed.

Defendant was questioned in regard to the photo-altered United States passport presented to the primary CBP Officer. Defendant admitted that one day prior, his photograph was taken and he was given the United States passport containing his photo in place of the lawful owner prior to attempting entry into the United States. Defendant admitted that when he was apprehended for alien smuggling at the San Ysidro Port of Entry on April 29, 2008, he also presented a passport lawfully issued to another. Defendant admitted he does not possess and has never applied for a United States passport and feels no need for one.

During separate video recorded interviews, Material Witnesses admitted they are citizens of Mexico without legal rights or documents to enter the United States. Material Witnesses stated they were going to pay from $2,500.00 to $3,000.00 USD to be smuggled into the United States. Material Witnesses stated they were traveling to the United States to seek employment and resume residency.